CHARGES TRICK IN \$200,000 DIVIDENDS

\$200,000 DIVIDENDS

Allan Ryan and Others Sued for Paying Profits Out of Capital.

STOCKHOLDER COMPLAINS

Alleges Plan to Boost Lithograph Stock to Relieve Underwriters.

A suit to recover \$200,000 from Allan A Ryan, son of Thomas F. Ryan; James M. Hutton of the Stock Exchange firm of W. E. Hutton & Co., Ferdinand W. La Frentz president of the American Audit Company, and the officers of the United States Lithograph Company was disclosed yesterday when a notice of appearance in a suit by Francis de Raismes against the United States Lithograph Company was disclosed yesterday when a notice of appearance in a suit by Francis de Raismes against the United States Lithograph Company was disclosed yesterday when a notice of appearance in a suit by Francis de Raismes against the United States Lithograph Company was disclosed yesterday when a notice of appearance in a suit by Francis de Raismes against the United States Lithograph Company and the individual defendants named was filed by Winthropy are John Omyske, president, and the control of the American Audit Company and the individual defendants named was filed by Winthropy are John Omyske, president, and the control of the American Audit Company and the individual defendants named was filed by Winthropy are John Omyske, president, and the control of the American Audit Company and the individual defendants named was filed by Winthropy are John Omyske, president, and the control of the American Audit Company and the individual defendants named was filed by Winthropy are John Omyske, president, and the first president and the first president are John Omyske, president, and the first president are John Omyske, president, and the first president and the first president are John Omyske, president, and the first president are John Omyske, president, and the first president and the firs & Stimson for the defendants.

The officers of the lithograph company sued are John Omwake, president, and William Ottmann and Joseph F. Sweasy, vice-presidents. The lithograph company, the largest concern of its kind in the the largest concern of its kind in the country, is a \$7,000,000 corporation organized in New Jersey, with its main office in Cincinnati and a branch in New York. It is affiliated with the United States Playing Card Company and was merged in 1909 with the Consolidated Lithosraphing Company. Ryan, Hutton, Le Frentz and Cocheu are directors.

The suit is a stockholder's action brought in behalf of the plaintiff, who holds \$5,000 worth of stock, by Harrison Clark, Jr., of 15 Wall street.

Dividends Cause of Suit.

St was learned that the plaintiff seeks to hold the defendants liable for dividends so noid the derendants liable for dividends aggregating \$200,000 which are alleged to have been paid by the lithograph company when there were no net earnings. The directors are accused of declaring a dividend of 7 per cent. when they knew the dividends would have to be paid out of capital.

Under the laws of New York directors are held accountable for their acts. If they pay dividends out of capital they they pay dividends out of capital they are personally liable. It is understood that the dividends were paid on the report of an audit company that the net profits warranted it. Under the court rulings the directors of a corporation are not permitted to rely solely on the resent of an audit company in declaring. port of an audit company in declaring dividends.

The suit is based on allegations that the 7 per cent. dividends were paid out of capital in order to create a market for the stock of the lithograph company. It is charged that after the two litho-It is charged that after the two litho-graph companies were merged the di-pectors named as defendants signed an underwriting agreement with the Morton Trust Company as trustees, under which they agreed on May 1, 1911, to purchase about \$1,000,000 of the preferred stock of the United States Lithograph Company which remained unsold at that date.

Plan to Relieve Directors Alleged. It is alleged that the fictitious market for Lithograph stock was created through dividends paid out of capital in order that there might be a public demand for the stock that would relieve the directors from carying out the underwriting

It was learned yesterday that the \$1. 000,000 of stock issue was to raise funds to pay notes of the consolidated com-pany held by the Morton Trust Company It was because of these notes that Allan A. Ryan had a place on the

The United States Lithograph Company paid 7 per cent. dividends up to 1911, but has paid none since.

SCARE OVER FOSS PAPERS.

Governor's Secretary Says They Have Been Tampered With.

BOSTON, Aug. 18.—George M. Harlow. assistant secretary to Gov. Foss, charged those opposing the Governor's nomination on the Republican ticket to-day with having tampered with his nomination papers.

"If the nomination papers for Gov. Foss are not filed it will be because the men charged with the work of getting signatures have been tampered with. As it is I have three sets of papers, Middlesex, Bristol and Barnstable countles. I am

"Two prominent manufacturers from there has mysteriously disappeared. Sen-ator William Nye of Barnstable county tells us of a mysterious trip made to Boston by one of those having charge of the papers there. When this man returned he is said to have been 'feeling good' and minus the papers. Two Worcester county workers are known to have had the same

'I am confident that some one has tam pered with the men who had charge of the Fors nomination papers. If his name is kept off the official caucus ballot those who are behind these mysterious moves will be responsible for it."

HELD ON MANN LAW CHARGE.

Two Youths Arrested on Complaint of Girl's Parents.

PHILADELPHIA, Aug. 18.—Herbert Shepard, 20 years old, and Albert Millichap, 21, manager of a garage in this city, were held in \$3,500 bail here to-day by Magistrate Coward on the charge of vio-lating the Mann act. The case has many of the features that characterized the Diggs-Caminetti affair. Both of the al-leged victims are minors and one of them is the heir to a fortune of \$100,000. Gladys Chetwood, aged 14, lives with her mother and stepfather, Mr. and Mrs. William P. Hess, at 6315 Glenmore ave-aue. Her companion was Laura B. Hoff of Forty-eighth street and Willows ave-

It is charged that the young men took the two girls in an automobile from this city on Saturday last to Berlin, N. J., and there detained them under force over night and most of Sunday, finally taking them to Atlantic City, from which place they sent them back to Philadelphia.

The parents of both girls preferred the charges against the men to-day and the arrests followed.

REWARD FOR NEWARK BANKER

Second Complaint Sworn Out Against R. E. Smith.

NEWARK, N. J., Aug. 18.—Capt. Carroll of the detective force announced here to-hight that a reward has been offered for the apprehension of Raymond E. Smith, the missing secretary and treasurer of the Roseville Trust Company, which was closed last week by State bank examiners after a shortage of \$200,000 in the bank's funds was found.

Yunds was found.

William P. Odell, president of the inptitution, and William Fairlie, the vicepresident, told the police to-night that
the officials of the bank had decided upon
the reward. Circulars will be sent out
describing Smith.

SHERIFF WILLING TO BE MAYOR.

Harburger Outlines the Oserous Duties of His Office.

WIVES TO TESTIFY FOR DIGGS AND CAMINETTI

Defence Will Be That Reno Trip Was to Avoid Threatened Scandal.

San Francisco, Aug. 18.—R. C. Ramsay, an attorney for Maury Diggs, was fined \$100 to-day for smashing a newspaper camera man in the mouth last Friday when the photographer snapped Diggs and his wife and Drew Caminetti in the street.

When the trial is resumed to-morrow morning Maury Diggs will be the first witness. He will be followed by his wife and then by Drew Caminetti and Mrs. Cami-netti. This will practically complete the case for the defence.

"The testimony of Diggs, Caminetti and

their wives will show that the two young men, in leaving Sacramento with the girls. jumped from the frying pan into the fire," Marshall Woodworth of counsel for the defence said. "We intend to show that the young men fled from Sacramento to avoid trouble with their wives and possible law-suits and that they had no immoral inten-tion in going to Reno with the girls. Our contention is that Diggs and Caminetti did not cajole and threaten the girls into making the trip. We will show they left Sacramento only after their wives had

bactament legal proceedings."

Diggs is expected to give an account of the Reno trip and of his acquaintanceship with both girls before the elopement. Mrs. Diggs will testify that she heard of her husband's actions with Miss Warring-ton and had complained to Diggs's father about them. She will also swear that she threatened legal proceedings against both Miss Warrington and Diggs. Caminetti and his wife will give similar testimony regarding Miss Norris.

The stand taken by Diggs and Caminetti will be that they were so alarmed lest action be brought against not only themselves but the girls also that they decided all four should flee to avoid a scandal. The defence should nee to avoid a scandal. The defence thinks it will take two days to present the remainder of its testimony, as the attorneys are figuring on a long cross-examination of all the four principal wunesses. They may rest on Wednesday night and arguments will begin Thursday morning. The case will be given to the jury on Thursday night or Friday

BALL POOL MAN CORFEITS BAIL.

Toren, Charged With Lottery Scheme, Fails to Appear.

Scheme, Fails to Appear.

Henry Francis Toren, accused of conducting a baseball lottery under the name of the Metropolitan Information 25 years maintained an unqualified reputation for high standards of scholarship with leading colleges and State Department of Education. Preparatory. Special Courses. Reopens Oct. 1. Principalat school after Sept. 15, 9 to 12 A. M. police court yesterday when his case was called. Magistrate Barlow ordered his bail bond of \$500 forfeited. The bond was furnished by the Southern Surety Company of 31 Liberty street. Toren's lawyer, H. T. E. Beardsley, is an officer of that company.

Two postponements of the case already had been granted to Toren. When At-torney Beardsley asked for a third yes-terday Magistrate Barlow refused. Toren was arrested on August 6 on evidence cathered by an evening newspaper. It is said he made his headquarters in the office of George Robinson, at 99 Nassau

office of George Robinson, at 99 Nassau street.

Toren, it is said, was willing to exchange information of the inner workings of his pool in this city and in other cities if the case against him were dropped. This was refused.

Toren pleaded guilty in 1909 to printing and circulating bogus subway tickets and was sentenced to one year in the penitentiary.

GARDEN CITY PRINTERS QUIT. Strike Against Doubleday, Page 4

Co. Wins Recruits. The longing for a closed shop which led eight or ten employees of the photo engraving department of Doubleday, Page & Co. at Garden City to forsake their tasks last week incited the same number of printers to strike yesterday. * President Frank N. Doubleday said that their departure would not in any way cripple the publishing house as there are

from sixty to eighty printers employed and those who left are a negligible per-centage. He said all the machines were running as usual. The United States Ambassader to Great Britain, W. H. Page, is a member of the

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Aug. 21, 11 A. M.

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LONDON and PARIS on sixth and
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MEDITERRANEAN Gibraltar, Naples and Genoa LF All steamers in this service leave from NEW PIER, 33d St. So. Brooklyn. Take 39th Street Ferry, foot of Whitehall Street, South Ferry.

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Aug. 26, 11 A. M.
S. S. Hamburg (11,000 Tons)

Sept. 17, 10 A. M.

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The Institute of Musical Art of the City of New York, Frank Damrosch, Director. Dates of examination and enrollment, Sept. 29 to Oct. 9. Session opens October 13th. SECRETARY, 120 Claremont Avenue, New York.

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BUCK, MARY E.—in pursuance of an order of the call pursuance of an order of the country of New York, a Surrogate of the Country of New York, deceased, to present the same with vouchers thereof to the subscribers, at their place of transacting business, at the office of their attorneys, Bergen & Prendergast, No. 22 Broad Street, in the Borough of Manhattan, City of New York, on or before the 18th day of October 1815.

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N. Y.—Queenstown—Liverpool—12 noon
CELTIC Aug. 21 BALTIC Sept. 4
GEDRIC Aug. 28 ADRIATIC Sept. 11
Hoston—Mediterranes—Italy
CRETIC Sept. 6, noon CANOPIC Sept. 20
Day 6.3 N. D. American Pier 62, N. R. ST. PAUL..... Aug. 22 PHILADEL'A ... Sept. 5 ST. LOUIS.... Aug. 29 NEW YORK ... Sept. 12 Atlantic Transport New York—London Direct, Pier Ss. N. B Min'waska, Aug. 23, 10:30A. M. Min'polis, Sep. (Min'tonka, Aug. 30, 9 A.M. Minnehaha, Sep. 13 Red Star Fier 61. N. R. 10:00 A. M. KROONLAND. Aug. 23 LAPLAND Sept. 6 VADERLAND. Aug. 30 ZEELAND ... Sept. 13

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SEALED BIDS will be received by the Board of Water Supply, at its offices, seventh floor, 16-Broadway, New York, until 11 A. M. on Tuesday, September 2, 1818, for Contract 56, for Installing a HYDRO-ELECTRIC POWER EQUIPMENT, approximately 250 K. W. capacity, at the Lower Gate and Screen chambers of Ashokan reservoir in the town of Ollive. Ulster County, New York. At the above place and time the bids will be publicly opened and read. Pamphlets containing information for bidders and contract drawings can be obtained at the above address by depositing the sum of ten dollars (310) for each pamphlet. For further particulars see Information for Bidders.

CHARLES STRAUSS, President, CHARLES N. CHADWICK, JOHN F. GALVIN, Commissioners of the Board JOSEPH P. MORRISSEY, Secretary. PROPOSALS FOR CLOTHING AND POUT-PAGE-Depot Quartermaster's Office, 1096 North Point St. San Francisco, Cal. August 13 1013—Sealed proposals, in triplicate, will be received here until 10 o'clock A. M., September 13, 1913, for furnishing at this depot or f. o. b. cars, Portland, Oregon, hat cords, drawers, stockings, undershirts, corn brooms, scrubbing brushes, stovepipe elbows, tent pins, tent poles, tent straps and tent tripods. Information on application, JOHN T. KNIGHT, Depot Quartermaster.

SURBOGATE'S NOTICES.

Dated, New York, the 28th day of March, 1913.

DUDLEY BUCK.
FRANCIS BLOSSOM,
FRANCIS BLOSSOM,
BERGEN & PRENDERGAST.
Attorneys for Executors.
No. 25 Broad Street,
Borough of Manhattan.
New York City.

New York City.

DEVOE, FREDERICK W.—in pursuance of an order of Hon. Robert Ludiow Fowier, a Surrogate of the County of New York, notice is hencely given to all persons having claims against Frederick W. Devoe, late of the County of New York, deceased, to present the same with voucher thereof to the subscribers, at their place of transacting business at the office of Holt, Warner & Galliard, No. 42 Broadway, in The City of New York, on or before the 8th day of October next.

Dated, New York, the 7th day of April, 1913.

GEORGE A. MEYER,
HARRIET E. DEVOE,
HARRIET E. DEVOE,
Executors. HOLT. WARNER & GALLLAP.
Attorneys for Resoutors.
di Broadway.
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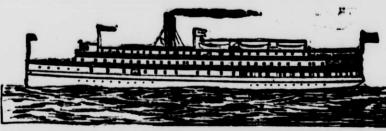
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L. Long Hand, bonky, n. Sinday 9 00, 10 00 a.m.; 100, 3,50; week days 1.v. N. Y., Pierlo, N. R., foot Cedar St., week days 1.v. N. Y., Pierlo, N. R., foot Cedar St., week days 9 15, 10 00, 11, 00, 200, 345, 44.6 % 45, 8.10 p.m. Sinday 9 30, 10, 30 a.m.; 1.0, 4.00, 6 10 (11.1 l. l.ong Branch only) pm. "Except Sept 1. First-class Meals at Feyniar Prices, Bound Trip, New Tork to Atlantic Highlands, \$1.00 pm. The Committee of the Committe Round trip can be made except on Stmrs. leaving W d St., week days, 5-25, 7-45 p.m.; Sun 7-45, 10-40 p.m. dar St. week days, 5-45, 8-10 p.m.; Sun 8-10, 11-10 p.m.

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